(WED) JUN 13 2007 15:37/ST. 15:35/No. 6833031385 P

FROM ROGITZ 619 338 8078

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Remarks

Reconsideration of the above-captioned application is respectfully requested. The allegation that the

drawings fail to show an error correction code system as set forth in claim 28 is incorrect. There is no "error

correction code system" recited in Claim 28, but rather a hard disk drive, which is shown in figures 1 and 4

along with its controller, which embodies the claimed "means" when programmed according to present

principles.

Claims 1-3, 5-7, 9, 11-13, 15-17, 20, 21, and 23-25, of which Claims 1, 11, and 20 are independent,

have been rejected under 35 U.S.C. §102 as being anticipated by Liu et al., USPP 2002/0071198, while

independent Claim 28 has been rejected under 35 U.S.C. §102 as being anticipated by Asano et al., USPP

2003/0147167.

Dependent Claims 4, 14, and 22 have been rejected under 35 U.S.C. §103 as being unpatentable over

Liu et al. in view of Payne et al., USPN 6,212,047, dependent Claims 8, 18, and 26 have been rejected under

35 U.S.C. §103 as being unpatentable over Liu et al. in view of Wei Loon et al., USPP 2002/0059276, and

dependent Claims 10, 19, and 27 have been rejected under 35 U.S.C. §103 as being unpatentable over Liu et

al. in view of Tomita et al., USPN 6,449,607.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied

references and countering certain rejections must not be construed as acquiescence in other portions of

rejections not specifically addressed.

1189-10.AMD

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Independent Claims 1, 11, and 20

Of relevance to the first three independent claims is the allegation that Liu et al., paragraphs 64 and

68 teach writing no more than a single data file or a single audio video (AV) data stream to a band. In fact,

Liu et al. strongly suggests just the opposite: it uses the term "block" to refer to a multi-track data unit, and

then plainly and unambiguously states that "writes to such tracks must fill the entire block", fourth line of

paragraph 68. If writes "must" fill the entire block, perforce writes cannot be limited to one and only one A/V

file or data file as claimed. The rejections of the first three independent claims and their respective dependent

claims are overcome.

Independent Claim 28

There is no mention at all in paragraph 108 of Asano et al. of parity, much less that error correction

code parity from a first write operation is used to generate error correction code parity for a second write

operation subsequent to the first write operation as is otherwise recited in Claim 28. Indeed, because parity

typically involves XORing "N" data bytes (not check bytes) to generate an extra (N+1) byte that subsequently

can be combined with surviving data bytes to resurrect a lost data byte, paragraph 108 of Asano et al., which

focusses on check bytes, plainly fails to implicate parity at all, much less in the way set forth in Claim 28.

Apart from this, Applicant has been able to discern nothing in Asano et al. about successive writes, much less

that parity from a first write is used to generate parity for a second write as required in Claim 28. The

rejection of Claim 28 and its respective dependent claims is overcome.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which

would advance the instant application to allowance.

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